

Notice of Allowability

Application No.

10/754,015

Applicant(s)

PARKER ET AL.

Examiner

Art Unit

Robert Sellers

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after Final rejection filed November 7, 2006 which has been entered.
2. ☒ The allowed claim(s) is/are 1,3-6,9-18,21-27,71-74,77,78,80,81 and 93-96.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061129</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Art Unit: 1712

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas E. Winters on November 29, 2006.

The application has been amended as follows:

Page 17, line 4 and page 24, line 1 as well as claims 6 (line 5), 23 (lines 4-5), 72 (lines 4-5), 74 (line 11) and 81 (lines 4-5), amend "2,4,4-trimethylpenty-2 hydroperoxide" or "2,4,4-trimethylpeny-2-hydroperoxide" to --2,4,4-trimethylpentyl-2-hydroperoxide--.

Page 16, paragraph [0055], line 4 and page 21, paragraph [0082], lines 12-13 along with claim 14, line 3 and claim 25, lines 3-4, replace "1,3-BAC high reactive" with --1,3-bis(aminomethylcyclohexane amine)--.

The following is an examiner's statement of reasons for allowance:

2. The examiner's amendment hereinabove corrects the designation of the hydroperoxide to include the letter "I" in the moiety "trimethylpenty~~I~~" [emphasis added] and chemically identifies acronym "BAC" in the 1,3-BAC highly reactive cycloaliphatic diamines as described on page 16, paragraph [0057], lines 5-6 of the specification.


Art Unit: 1712

3. The amendment after Final rejection filed November 7, 2006 has incorporated into independent claims 74 and 78 the limitations of claims 76 and 79 wherein the crosslinker is confined to sebacic acid and/or citric acid, thereby overcoming the closest prior art polymethacrylate crosslinkers of Graham et al. Patent No. 3,510,489 as suggested in the Final rejection mailed June 9, 2006 on page 3, the last paragraph. The cancellations of claims 87-91 overcomes the 35 U.S.C. 112, first paragraph, rejection. The 35 U.S.C. 102(b) rejection over Japanese Patent No. 5-132616 has been resolved by the cancellation of claims 87 and 90.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Robert Sellers
Primary Examiner
Art Unit 1712